

**Commissioners**  
**Jim Kellogg, President**  
Discovery Bay  
**Michael Sutton, Vice President**  
Monterey  
**Daniel W. Richards, Member**  
Upland  
**Richard Rogers, Member**  
Santa Barbara  
**Jack Baylis, Member**  
Los Angeles

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



RECEIVED OCT 22 2012

A handwritten signature in black ink, appearing to be "Rn" or similar, written over the "RECEIVED" stamp.

October 17, 2012

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014, which will be published in the California Regulatory Notice Register on October 19, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

**Paul Hamdorf, Marine Region, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

A handwritten signature in black ink that reads "Sherrie Fonbuena".

Sherrie Fonbuena  
Associate Governmental Program Analyst

Attachment

## **TITLE 14. Fish and Game Commission**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 702, 7071, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 1802, 5508, 5509, 7071, 8585.5, 8586, of the Fish and Game Code, 50 CFR Part 660, Subpart G; 50 CFR 660.384; and Title 14 CCR 27.20, proposes to amend sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014

#### **Informative Digest/Policy Statement Overview**

Under California law (California Fish and Game Code sections 200 and 205), the California Fish and Game Commission (Commission) adopts regulations for recreational groundfish fishing in state waters zero to three miles from shore. The Pacific Fishery Management Council (Council) recommends management measures for jointly managed fisheries operating in federal waters three to 200 miles from shore. These measures are then implemented into federal law. For consistency the Commission routinely adopts regulations to bring state law into conformance with federal law for groundfish and other federally-managed species, a regular process which occurs biennially.

Existing law authorizes the recreational take of groundfish with a sport license subject to regulations set forth by federal and state authorities. Current regulations establish season lengths, depth constraints, methods of take, and size and bag limits within the six groundfish management areas for all federal groundfish and associated species.

At its June 2012 meeting in San Mateo, the Council recommended regulatory changes for recreational groundfish fishing in California in 2013 and 2014. These changes were intended to provide additional opportunities where appropriate or constrain catches to keep within allowable limits.

#### **Proposed Amendments to Season Length and Depth Constraints**

The proposed changes to seasons for 2013-2014 (Table 1) will reduce regulatory complexity in the Northern and Mendocino Management Areas by providing consistent opening dates in each year. The Mendocino Management Area will also receive increased opportunities from a longer season that extends through Labor Day, based on a small increase in the allowable take level for yelloweye rockfish.

The proposed regulation modifies the Southern Management Area depth constraint from 60 fathoms to 50 fathoms.



The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Hotel-LAX, 6225 West Century Blvd., Los Angeles, California, on Wednesday, November 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton San Diego-Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 12, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 7, 2012.** All comments must be received no later than December 12, 2012, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Paul Hamdorf, Marine Region, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: October 5, 2012

Sonke Mastrup  
Executive Director